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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PERKINS COIE LLP P.O. BOX 1208 SEATTLE, WA 98111-1208			EXAMINER CHACKO, SUNIL	
			ART UNIT 4146	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,183	Applicant(s) SHIMOKAWA ET AL.	
	Examiner SUNIL CHACKO	Art Unit 4146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/08/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 2 & 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/08/2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/29/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-7 are presented for examination.
2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) is acknowledged.
3. The information disclosure statement (IDS) submitted on August 28, 2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Abstract Objection

4. The Abstract is objected to because it does not follow the format set out in the MPEP Chapter 608.01 (b). *The sheet presenting the abstract may not include other parts of the application or other material.* Please make appropriate corrections.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

5. Claim is 2 & 4 are objected to because of the following informalities: The use of language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure, See MPEP Section 2106 Patent Subject Matter Eligibility. Please refrain from the use of "*adapted to*", "*adapted for*", and "*wherein*" clauses in the above stated claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 & 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 3 & 4 is rejected due to indefiniteness. The following claims are expressed as a *means* for performing a specified function, and no corresponding

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structure, material or acts described in the specifications. Please see MPEP 112 paragraph 2 & 6.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 5-7 are rejected due to the fact that a *computer program* is not on of the Statutory Categories. Please see MPEP 2106.01 Computer-related Nonstatutory Subject Matter.

As to Claim 5:

- *(Currently Amended) A program for creating print data, the program serving to make a computer execute the steps of the method according to claim 1. Please see MPEP 2106.01 Computer-related Nonstatutory Subject Matter.*

As to Claim 6:

- *(Original) A computer-readable recording medium containing the program for creating print data according to claim 5. Claim 6 is rejected because it*

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depends on claim 5, which is Computer-related Nonstatutory Subject Matter.

As to Claim 7:

- *(New) A program for creating print data, the program serving to make a computer execute the steps of the method according to claim 2. Please see MPEP 2106.01 Computer-related Nonstatutory Subject Matter.*

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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12. Claim 1-4 are rejected under U.S.C. 103(a) as being unpatentable over Shiraishi (US Patent 6,999,200 B2) in view of Edamitsu et al. (US Patent 6,729,239 B2)

As to Claim 1:

Shiraishi discloses the following limitations as shown:

- *(Original) A method of creating print data, in which prior to creating a plurality of printing-plate creation data for respectively creating a plurality of printing plates in sequentially printing a plurality of print images on a printing medium by the use of the plurality of printing plates respectively corresponding to the plurality of print images; Shiraishi teaches a method that creates print data that is then later used by printing plates to output images on to printing medium, See column 3 lines 25-35, see at least Fig 1.*

Shiraishi remains silent on the following limitation of the claim:

- *a plurality of print data, each of which includes an image type data for at least one image type constituting the corresponding print image and a position data for determining at least one of an image type position data corresponding to a position of the image type in the print image and an image type shape data indicating a shape of the image type, are created, the method comprising:*

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- *a deformation information input step of setting deformation information on an amount of elongation or contraction in a direction in which the printing medium is to be elongated or contracted when each print is made in printing operation for the plurality of print images on the printing medium by the use of the plurality of printing plates;*
- *and a correction step of correcting at least one image type data constituting at least one of the plurality of print images in terms of elongation or contraction in the direction in which the printing medium is to be elongated or contracted, on the basis of the corresponding position data and the deformation information set in the deformation information input step.*

However Edamitsu et al. teaches an image recording device that corrects for spatial recording errors, Edamitsu goes in to detail to explain that his method works on printing plate devices and corrects for elongation and contraction errors. **It would have been obvious to one of ordinary skill in the art to combine** this aspect of Edamitsu et al device to Shiraishi's method because it would create a printing method which would not be affected by elongation and contraction errors in the output image caused by the printing plates. Edamitsu teaches his image recording device corrects for spatial recording errors collecting position data for the input images. Edamitsu et al teaches that his device tracks image type position data which is later used to correct for elongation or

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contraction errors. Edamitsu teaches in column 12 lines 33-38 and lines 43-49 that data related to position of the image and data for position correction is considered and then displacement quantity, which reads on elongation or contraction correction, is calculated to correct for the image, See also Fig 7(A) and 7(B). Edamitsu also teaches that his device when correcting for elongation or contraction considers the printing medium, which reads on printing paper, See column 13 lines 59 -63. Edamitsu teaches that the thickness, paper type and the direction of the paper texture is all considered, refer to Fig 11. Edamitsu also teaches a table which stores the data position which is used to calculate the amount of elongation or contraction errors, see column 13 lines 50 to 55 and Fig 11. Edamitsu also teaches that the calculations are part of the prepress process; hence ensuring the output is one without the effects of elongation or contraction, see column 14 lines 4-10.

As to Claim 2:

Shiraishi in view of Edamitsu et al. discloses the limitations as shown in the rejection of Claim 1.

(Original) The method of creating print data according to claim 1,

- ***wherein*** the deformation information input step, the deformation information corresponding to a print condition of the printing medium when each print is made is stored in a deformation information table, Edamitsu

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et al teaches that his device tracks image type position data which is later used to correct for elongation or contraction errors. Edamitsu teaches in column 12 lines 33-38 and lines 43-49 that data related to the position of the image and data for position correction is considered and then the displacement quantity, which reads on elongation or contraction correction, is calculated to correct for the image. Edamitsu also teaches that his device stores printing conditions relating to the printing medium or printing paper, see Fig 11.

- *and in the correction step, the deformation information in the deformation information table is automatically set on the basis of the print condition when elongation or contraction correction is performed.* Edamitsu et al teaches that his device performs registration adjustments, which reads on elongation or contraction corrections, as a response to a change of a printing condition, See column 3 lines 51-55.

As to Claim 3:

Shiraishi discloses the following limitations as shown:

- *(Original) A device for creating print data, in which prior to creating a plurality of printing-plate creation data for respectively creating a plurality of printing plates in sequentially printing a plurality of print images on a printing medium by the use of the plurality of printing plates respectively corresponding to the plurality of print images; Shiraishi teaches a method that creates print data that is then later used by printing plates to output images on to printing medium, See column 3 lines 25-35, see at least Fig 1.*

Shiraishi remains silent on the following limitation of the claim:

- *a plurality of print data, each of which includes an image type data for at least one image type constituting the corresponding print image and a position data for determining at least one of an image type position data corresponding to a position of the image type in the print image and an image type shape data indicating a shape of the image type, are created, the device comprising:*
- *a deformation information input **means for** setting deformation information on an amount of elongation or contraction in a direction in which the printing medium is to be elongated or contracted when each print is made in printing operation for the plurality of print images on the printing medium by the use of the plurality of printing plates;*

- *and a correction **means for** correcting at least one image type data constituting at least one of the plurality of print images in terms of elongation or contraction in the direction in which the printing medium is to be elongated or contracted, on the basis of the corresponding position data and the deformation information set by the deformation information input **means**.*

However Edamitsu et al. teaches an image recording device that corrects for spatial recording errors, Edamitsu goes in to detail to explain that his method works on printing devices and corrects for elongation and contraction errors.

It would have been obvious to one of ordinary skill in the art to combine this aspect of Edamitsu et al device to Shiraishi's method because it would create a printing device which would not be affected by elongation and contraction errors in the output image caused by the printing plates. Edamitsu teaches in his image recording device corrects for spatial recording errors collecting position data for the input images. Edamitsu et al teaches that his device tracks image type position data which is later used to correct for elongation or contraction errors. Edamitsu teaches in column 12 lines 33-38 and lines 43-49 that data related to position of the image and data for position correction is considered and then displacement quantity, which reads on elongation or contraction correction, is calculated to correct for the image, See

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also Fig 7(A) and 7(B). Edamitsu also teaches that his device when correcting for elongation or contraction considers the printing medium, which reads on printing paper, See column 13 lines 59 -63. Edamitsu teaches that the thickness, paper type and the direction of the paper texture is all considered, refer to Fig 11. Edamitsu also teaches a table which stores the data position which is used to calculated the amount of elongation or contraction errs, see column 13 lines 50 to 55 and Fig 11. Edamitsu also teaches that once the calculations are part of the prepress process; hence ensuring the output is one without the effects of elongation or contraction, see column 14 lines 4-10.

As to Claim 4:

Shiraishi in view of Edamitsu et al. discloses the limitations as shown in the rejection of Claim 1.

(Original) The device for creating print data according to claim 3,

- ***wherein*** the deformation information input ***means*** stores the deformation information, which corresponds to a print condition of the printing medium when each print is made, in a deformation information table, Edamitsu et al teaches that his device tracks image type position data which is later used to correct for elongation or contraction errors. Edamitsu teaches in column 12 lines 33-38 and lines 43-49 that data related to the position of

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the image and data for position correction is considered and then the displacement quantity, which reads on elongation or contraction correction, is calculated to correct for the image. Edamitsu also teaches that his device stores printing conditions relating to the printing medium or printing paper, see Fig 11.

- *and the deformation information in the deformation information table is automatically set on the basis of the print condition when the correction **means** performs elongation or contraction correction.* Edamitsu et al teaches that his device performs registration adjustments, which reads on elongation or contraction corrections, as a response to a change of a printing condition, See column 3 lines 51-55.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure US Patent 6,580,524 B1, which deals with a method of creating profiling and calibrating printing machines having a permanent printing plate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIL CHACKO whose telephone number is

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(571)270-7221. The examiner can normally be reached on 8 to 5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ramesh Patel can be reached on 571-272-3688. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SUNIL CHACKO
Examiner
Art Unit 4146

/Ramesh B. Patel/
Supervisory Patent Examiner, Art Unit 4146